

ENVIRONMENTAL HEALTH REGISTRATION COMMITTEE MINUTES
Registration Process Subcommittee
August 10, 2012
9 am – 11 am

Subcommittee Members Present

Mr. Dean D. Peterson, PE, REHS, Director of Environmental Health
Ms. Terri Williams, REHS, Assistant Director of Environmental Health
Ms. Catherine Caldwell, MS, Public Member Appointed by Senate Rules Committee
Ms. Sarah Crossman, REHS, Public Sector REHS
Ms. Le-Anh Irish, REHS, California Environmental Health Association Appointee

Environmental Health Specialist Registration Program Staff Present

Ms. Veronica L. Malloy, REHS, EHS Registration Program Administrator

Mr. Peterson, the subcommittee chair, opened the meeting at 9:03 am and took introductions from all members.

1. Disclosure of criminal convictions – Decision Matrix

Ms. Caldwell provided a matrix developed from Health & Safety Code Section 106715(b)(D) listing actions and disciplinary ranges for each of the four categories of infractions. She discovered that the statute allows some latitude in assigning disciplinary actions relating to the severity and timing of the infraction and that this matrix and some follow up discussion with legal counsel seem to be a better way to assist the subcommittee rather than list specific criminal activity, as first proposed. The matrix is being developed and will allow determinations on any corrective or discipline actions that might be necessary while evaluating the information on all new and renewal applications for the REHS program. A question pertaining to prior criminal convictions was added to all the 2012 Biennial Renewal Applications as part of a decision from the June 2012 subcommittee meeting. The renewals were mailed to applicants during the month of July 2012 and the subcommittee is developing this matrix as applications are being received at the program.

Ms. Caldwell also provided the criteria used to evaluate actual rehabilitation of a person prior to denying, suspending or revoking their registration. She suggested adding a provision for the applicant to confirm the completion of any sanctions or restitution paid as part of the conviction. Ms. Caldwell also pointed out that the nature, time elapse and evidence of rehabilitation will likely influence the resulting decision to be punitive or take no action at all. Ms. Williams added that the decision to punish often lie at the local level and for some convictions, the health departments may make their own agreements with their own personnel.

Mr. Peterson suggested perhaps a decision tree will have the same latitude in determining the most fair and consistent follow up.

Ms. Malloy shared a few examples of criminal convictions disclosed in some recent applications and a phone call received from a union representative for REHS.

After a discussion, it was decided that the first step is to develop FAQs or a decision tree and to find out what other professional groups have in place. The committee wants to seek some advice from legal counsel on the ability to do less than the minimum disciplinary range when the conviction is related to the REHS. Ms. Crossman motioned to have the REHS program track responses. Ms. Williams second. No one opposed. Motion approved.

ACTION ITEM #1: The program will develop a system to track responses in an effort to comply with the requirements for licensing.

ACTION ITEM #2: Ms. Malloy will check with other professionals (engineers, land purveyors, etc.) to better understand their complaint process.

ACTION ITEM #3: Ms. Malloy will ask department legal counsel if the subcommittee can decide if the disciplinary action can be less than the minimum outlined in the statute.

2. Discuss draft code of Ethics/Code of conduct for active REHS

Mr. Peterson introduced the draft code of ethics he developed and distributed after the June 11, 2012 meeting. He would like to present it to the full committee, but needed comments or suggested changes. Ms. Malloy mentioned that the language “such actions, could result in the revocation or suspension of my registration” might be too strong because it is not part of the REHS statute currently. Ms. Williams suggested a change to read “certain actions” to better align with the categories of unethical acts noted in Section 106715. Ms. Williams also recommended to send this to all new REHS as part of the registration award letter and to all active REHS as part of the biennial renewal to remind them of their public health role. She also mentioned to promote the use of the code of ethics as part of a local department vehicle as a function of CCDEH. Members discussed the use of the signature line and the appropriate timing, name for a signature and if we actually have the authority to require the REHS signature.

Ms. Williams motioned to have the full committee recommend adoption of the Code of Ethics to all training coordinators to distribute to existing staff and to have the REHS program send it to all new REHS, Ms. Crossman seconded, all were in favor.

ACTION ITEM: Upon full committee approval and decision on the level of distribution and design, the REHS Program can develop a Certificate of Code of Ethics for new REHS and distribute with the Exam Results. A copy of the Code of Ethics can also be sent to all the training coordinators to distribute to staff once the full committee approves the format.

3. Develop guide for Disciplinary Hearing Process

Ms. Williams volunteered to develop an outline for committee members to use during the REHS informal hearings. Ms. Malloy discovered two guidelines developed for internal distribution only by CDPH staff counsel. Ms. Williams suggested a more detailed outline to discuss how the committee will communicate the reason for the hearing, the process and appeal procedure and how the decision will ultimately be communicated back to the registrant and complainants.

ACTION ITEM: Ms. Malloy will review the guidelines and research the case files to formulate guidelines for each of the committee members to use up to the conclusion of the informal hearing.

4. Evaluation of Dr. Joseph Wakoli Wekesa REHS application

Ms. Malloy sent a written request from Dr. Joseph Wakoli Wekesa to all subcommittee members. Dr. Wekesa originally submitted an application to the REHS program back in 2004. He resubmitted his application in December 2009 and ordered copies of his official transcripts from the University of Nairobi. After several months of waiting and repeated requests, he is unable to get official copies and is requesting the full committee evaluate his application with an alternative method. Dr. Wekesa graduated with this PhD from the University of California, Davis in 1995. He attempted to obtain his official transcripts from UC Davis, but was told his records were destroyed. Ms. Williams

motioned to have the full committee review Dr. Wakesa's academic record, Ms. Caldwell second. No one opposed. Motion carried.

ACTION ITEM: Dr. Wakesa's academic record is recommended to be reviewed by the full committee and will be placed on the agenda.

Next meeting – Full Committee Meeting August 22, 2012

Mr. Peterson thanked the committee members for their attendance and closed the meeting at 10:47 am.

The recommended decisions from this meeting and the meeting held on June 11, 2012 will be forwarded to the EHSRC Committee chair as a Subcommittee Report.